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 7 MARKEL AMERICA INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 MARKEL AMERICAN INSURANCE COMPANY,

Case No. C-07-05749 SC

12 Plaintiff,

13 vs.

14 PACIFIC ASIAN ENTERPRISES, INC.; a California
 corporation; LEVITON MANUFACTURING CO.,
 15 INC., a Delaware corporation; HUBBELL
 INCORPORATED, a Connecticut corporation; and,
 16 DOES 1 - 100, inclusive,

[PROPOSED] ORDER DENYING
 DEFENDANT HUBBELL
 INCORPORATED'S MOTION TO
 DISMISS, OR, IN THE ALTERNATIVE
 FOR MORE DEFINITE STATEMENT
 AND DEFENDANT PACIFIC ASIAN
 ENTERPRISES MOTION TO DISMISS

F.R.C.P., Rule 12(b) and 12(e)

17 Defendants
 _____/

Hearing Date: March 7, 2008
 Time: 10:00 a.m.
 Courtroom: 1

The Honorable Samuel Conti, presiding

21 On March 7, 2008, the *Motion of Defendant Hubbell to Dismiss, Or, in the Alternative, for*
 22 *a More Definite Statement* and the *Motion to Dismiss of Defendant Pacific Asian Enterprises, Inc.* came
 23 on regularly for hearing before the Honorable Samuel Conti. Plaintiff appeared by _____
 24 _____, Tarkington, O'Neill, Barrack & Chong APC; defendant Pacific Asian Enterprises,
 25 Inc. appeared by Joshua A. Southwick, Gibson Robb & Lindh LLP; and, defendant Hubbell
 26 Incorporated appeared by Yasmin Best, Latham & Watkins LLP.

27 Upon review of the pleadings and after opportunity for oral argument, and upon good cause
 28 appearing,

IT IS ORDERED THAT:

1. The *Motion of Defendant Hubbell to Dismiss, Or, in the Alternative, for a More Definite Statement* is denied;
2. The *Motion to Dismiss of Defendant Pacific Asian Enterprises, Inc.* is denied; and,
3. Defendants Hubbell, Incorporated and Pacific Asian Enterprises, Inc. shall further respond to the complaint within 10 days of notice of this order.

DATED: _____

THE HONORABLE SAMUEL CONTI
UNITED STATES DISTRICT JUDGE